



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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LOS ANGELES, CALIFORNIA 90012-2713

ANDREA SHERIDAN ORDIN  
County Counsel

January 25, 2011

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

#14 JANUARY 25, 2011

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

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Agenda No. 5  
08/24/10

**Re: PROJECT NUMBER R2008-02217-(1)  
LOCAL PLAN AMENDMENT NUMBER 2008-00011-(1)  
FIRST SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a public hearing regarding the above-referenced application for a local plan amendment to the East Los Angeles Community Plan, which is associated with Conditional Use Permit Number 2008-00181-(1) and Zone Change Case Number 2008-00009-(1), and relates to the proposed development of a convenience store and auto service center at 3949 Dennison Street in the East Los Angeles community. At the completion of the hearing, your Board indicated an intent to approve the local plan amendment and instructed us to prepare the appropriate resolution for approval. Enclosed is the proposed resolution for your consideration.

Very truly yours,

ANDREA SHERIDAN ORDIN  
County Counsel

By

*[Signature]*  
LAWRENCE L. HAFETZ  
Principal Deputy County Counsel  
Property Division

APPROVED AND RELEASED:

*[Signature]*  
JOHN F. KRATTLI  
Senior Assistant County Counsel

LLH:sh  
Enclosure

HOA.757069.2

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF LOS ANGELES  
RELATING TO THE ADOPTION OF LOCAL PLAN AMENDMENT  
NO. 2008-00011-(1)**

**WHEREAS**, section 65350, et seq., of the California Government Code provides for the adoption and amendment of a jurisdiction's general plan; and

**WHEREAS**, the County of Los Angeles ("County") adopted a Countywide General Plan ("General Plan") in November 1980, which General Plan has been periodically updated and amended since that time; and

**WHEREAS**, the permittee, BP West Coast Products, LLC, has requested the approval of this Local Plan Amendment No. 2008-00011-(1) ("Plan Amendment") to amend the East Los Angeles Community Plan ("Community Plan"), a component of the General Plan, in connection with a project described herein. The Plan Amendment seeks to change the subject site's existing land use designation in the Community Plan from Medium Density Residential to Major Commercial; and

**WHEREAS**, Conditional Use Permit Case No. 2008-00181-(1) ("CUP") is a related request to authorize the demolition of an existing 1,625-square-foot convenience store and auto service center, and the construction and operation of a new 2,120-square-foot AM/PM convenience store and auto service center, with the sale of beer and wine for off-site consumption. The CUP would also authorize certain modifications to the East Los Angeles Community Standards District ("CSD") for landscaping and signage at the site, discussed further herein; and

**WHEREAS**, Zone Change Case No. 2008-00009-(1) ("Zone Change") is a related request to change the zoning for the subject property from R-3 (Limited Multiple Residence) to C-1-DP (Restricted Business, Development Program). The -DP designation will ensure that the development conforms to the approved plans and exhibits submitted by the permittee and that it will remain compatible with the surrounding area; and

**WHEREAS**, the County Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of the Plan Amendment on August 24, 2010. The Plan Amendment was heard concurrently with the CUP and the Zone Change. The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the Plan Amendment, CUP, and Zone Change on May 5, 2010 and June 16, 2010; and

**WHEREAS**, the Board finds as follows:

1. The site is approximately one-half acre in size, located at 3949 Dennison Street in East Los Angeles, in the East Side Unit No. 1 Zoned District. The project is within the area governed by the Community Plan and the CSD, and will be located on the northwest portion of the site.

2. The CUP will ensure compliance with the -DP zoning designation pursuant to section 22.40.040 of the Los Angeles County Code ("County Code"). The CUP will restrict development of the re-zoned property to the proposed project shown on the approved site plan marked "Exhibit A," and will ensure that no other development will be permitted on the property unless a new CUP is first obtained.
3. The one-half-acre site has level topography and is currently developed with an ARCO service station.
4. The site is located at the northwest corner of Dennison Street and South Ditman Avenue in East Los Angeles. An on/off ramp for the northbound Santa Ana Freeway (Interstate 5) connects to this intersection from the south. Access to the site is via four driveways: two from Ditman Avenue to the east and two from Dennison Street to the south.
5. The proposed new structures will have a maximum height of 20 feet. The project will add 1,569 square feet of landscaping to the existing site, resulting in a total of 2,109 square feet of landscaping for the site. Nine on-site parking spaces will be provided, one of which will be reserved for disabled persons. Two existing gas pump canopies, 650 square feet and 1,378 square feet in size, respectively, will remain on the site with a total of six gas pumps, but they will be refurbished. An existing pole sign 55 feet in height will remain on the site, and a new monument sign 25 feet in height will be built and located on the southeast corner of the site. A trash enclosure will be located on the western edge of the property.
6. The existing use at the site was authorized in 1970 by Zone Exception Case No. 9050, which use amortized in 1991. In 1993, Non-conforming Review Case No. 92-255 authorized the use's continued operation, which approval expired in 2008. At that time, the permittee filed the instant application with the County Department of Regional Planning ("Regional Planning") for the proposed CUP and related entitlements.
7. The site's existing use was established prior to adoption of the Community Plan and the R-3 zoning for the site. The Plan Amendment will allow expansion and/or intensification of the existing use, thus allowing the construction of the new convenience store and auto service center.
8. The surrounding properties are zoned as follows:

North:	R-3;
South:	The Santa Ana Freeway (Interstate 5);
East:	C-1-DP; and
West:	R-3.

9. The surrounding land uses are as follows:

North: Single-family and multi-family residences;  
South: The Santa Ana Freeway (Interstate 5);  
East: A service station and convenience store; and  
West: Single-family and multi-family residences.

10. The site's proposed land use designation in the Community Plan is Major Commercial, a designation that provides for a variety of large and small businesses. The establishment of a convenience store and auto service center is consistent with this designation.
11. Under section 22.28.110 of the County Code, a CUP is required to sell alcoholic beverages in the C-1 zone for either on-site or off-site consumption, subject to the alcohol sale requirements in section 22.56.195 of the County Code. A CUP is also required for a project's -DP zoning overlay. Accordingly, the permittee requests the CUP to authorize the construction and operation of a convenience store and auto service center with the sale of beer and wine for off-site consumption within a C-1-DP zone.
12. Pursuant to section 22.40.040 of the County Code, property in Zone ( )-DP may be used for any use permitted in the basic zone subject to the conditions and limitations of the CUP.
13. The CSD would require a landscaped buffer at the site five feet in width along the northern and western property lines. However, this requirement cannot be met for approximately 14 feet along the site's western boundary where the trash enclosure will be located because additional space in front of this enclosure is required to maintain traffic circulation throughout the site. Since the five-foot-wide buffer is impractical for this portion of the site, the CSD modification is reasonable and proper under the circumstances.
14. The project proposes 2,109 square feet of landscaping for the site. Under the CSD, such a landscaped area would require the installation of 42 trees. Because adequate space for trees is limited on the site, this CSD requirement will be modified to require a minimum of 10 trees within the proposed landscaping, which modification is reasonable and proper under the circumstances.
15. The CSD would allow a total sign area for the project of 114 square feet, with a maximum height of 40 feet for any one sign. The project will deviate from these CSD requirements by having approximately 502.3 square feet of total signage area, and also by having the existing 55-foot-high pole sign allowed to remain. The gasoline pricing monument sign will not be included in the sign area calculation pursuant to section 22.52.970(D) of the County Code. These CSD modifications are reasonable and proper under the circumstances because it would be impractical to compel the removal of the pre-existing pole sign, which existing sign is the basis for these modifications.

16. Prior to the Commission's public hearing, an Initial Study was prepared for the project in compliance with the California Environmental Quality Act ("CEQA"). Based on the Initial Study, staff determined that a Negative Declaration ("ND") was the appropriate environmental document for the project, finding that there was no substantial evidence that the project would have a significant effect on the environment.
17. Prior to the Commission's public hearing, staff consulted the County Sheriff's Department's ("Sheriff") East Los Angeles Station to inquire whether, based on law enforcement concerns, the Sheriff had any objection to allowing the sale of beer and wine for off-site consumption at the proposed site. The Sheriff raised no objection for such a use.
18. The Commission conducted its public hearing on the project on May 5, 2010 and June 16, 2010. The primary discussion at the Commission hearing related to the Commission's proposed design changes to the project, including changes to the project's landscape buffer, a relocation of the trash enclosure, and a relocation of the convenience store. Most of these proposed changes were ultimately incorporated into the project design, except the convenience store relocation.
19. On June 16, 2010, after hearing all testimony, the Commission closed the public hearing, adopted the ND for the project, approved the CUP, and recommended approval of the Plan Amendment and Zone Change to the Board, subject to the conditions recommended by staff.
20. Pursuant to section 22.60.230(B)(2) of the County Code, because the project approvals included a recommendation by the Commission to the Board on the Plan Amendment and Zone Change, the CUP was called up for review by the Board along with the request for the Plan Amendment and Zone Change.
21. On August 24, 2010, the Board conducted its public hearing on the project and heard a presentation from staff. The Board heard no testimony either in support of or in opposition to the project.
22. Less than 90 percent of the site will be occupied by the proposed convenience store, and 10 percent of the site's lot area (1,945 square feet) will be landscaped, which percentages are consistent with the development standards of the C-1 zone.
23. The requested CSD modifications regarding landscaping and signage are reasonable and proper under the circumstances based on the size of the site, its traffic circulation, and the reasonable request to retain the site's pre-existing pole sign.
24. Statistical data from the California Department of Alcoholic Beverage Control shows that the site is located within a high crime reporting district and is within a census tract with an over-concentration of alcohol sales. The Board finds that one sensitive use, Ruben Salazar Park, is located within 600 feet of the site.

However, the Board finds that these factors will be mitigated in carrying out the project because the permittee will be required to purchase an existing liquor license in the East Los Angeles area to prevent any net new liquor licenses in the area.

25. Selling beer and wine for off-site consumption at a new convenience store would serve the public convenience, as no other markets selling beer and wine are located within the immediate vicinity of the site.
26. The permittee shall be required to comply with the development standards and requirements of the C-1-DP zone, set forth in section 22.28.120 of the County Code, the applicable development program requirements for the -DP zoning designation, set forth in sections 22.40.030 through 22.40.080 of the County Code, and the applicable requirements of the CSD, except as modified by the CUP.
27. The permittee has submitted a development program, consisting of a site plan and progress schedule, which complies with the requirements of section 22.40.050 of the County Code.
28. The project complies with the County Code's parking requirement since the County Code would require eight parking spaces for this use, and the project will instead provide nine parking spaces, one of which will be reserved for disabled persons.
29. Compatibility with surrounding land uses will be ensured through the related CUP and Zone Change.
30. In determining that the project was consistent with the General Plan, the housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources.
31. An Initial Study was prepared for the project in accordance with CEQA, the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, an ND was prepared for the project.
32. The project is subject to California Department of Fish and Game fees pursuant to section 711.4 of the California Fish and Game Code.
33. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

34. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
35. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and adequately served by other public or private service facilities as are required.
36. The requested use at the proposed location will not adversely affect the use of any place used exclusively for religious worship, school, park, or playground purposes, or any similar use within a 600-foot radius.
37. The requested use at the proposed location is sufficiently buffered in relation to nearby residential areas, if any, so as not to adversely affect said areas.
38. The requested use at the proposed location will not violate County Code provisions regarding the undue concentration of establishments selling alcoholic beverages since it would serve the public convenience for this facility to sell alcoholic beverages, and because the shelf space devoted to such sale of alcoholic beverages at this location will be limited to no more than five percent of the facility's total shelf space.
39. The requested use at the proposed location will not adversely affect the economic welfare of the surrounding community, and the development provides adequate vehicular access and parking and loading so as to prevent undue traffic congestion.
40. The Plan Amendment will not place an undue burden upon the community's ability to provide necessary facilities and services, as outlined in these findings of fact.
41. The permittee has satisfied the County "Burden of Proof" set forth in the County Code for the requested Plan Amendment.
42. The approval of the Plan Amendment, CUP, and Zone Change will result in an updated policy map in the Community Plan to reflect current conditions in the area, and such approval will also establish development standards to ensure that future development on the subject property will be compatible with the goals and policies of the CSD.
43. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

44. Modified conditions in the surrounding area warrant an amendment to the Community Plan, and approval of the Plan Amendment is in the best interest of the public health, safety, and general welfare, and in conformity with good zoning practice.

**THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:**

1. Certifies that the ND was completed in compliance with CEQA and the State and County Guidelines related thereto; certifies that it independently reviewed and considered the ND and that it reflects the independent judgment and analysis of the Board as to the environmental consequences of the project; finds that on the basis of the whole record before the Board, there is no substantial evidence that the project will have a significant effect on the environment;
2. Certifies that it adopted the ND at the conclusion of the public hearing on the project;
3. Finds that the Plan Amendment is consistent with the goals, policies, and programs of the Community Plan and the General Plan; and
4. Adopts Local Plan Amendment Case No. 2008-00011-(1), consisting of the amendment to the land use designation in the Community Plan, as depicted in the attached Exhibit "A."

The foregoing resolution was on the 25th day of JANUARY, 2011, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board also acts.



APPROVED AS TO FORM:

ANDREA SHERIDAN ORDIN  
County Counsel

By [Signature]  
Deputy

Attachment

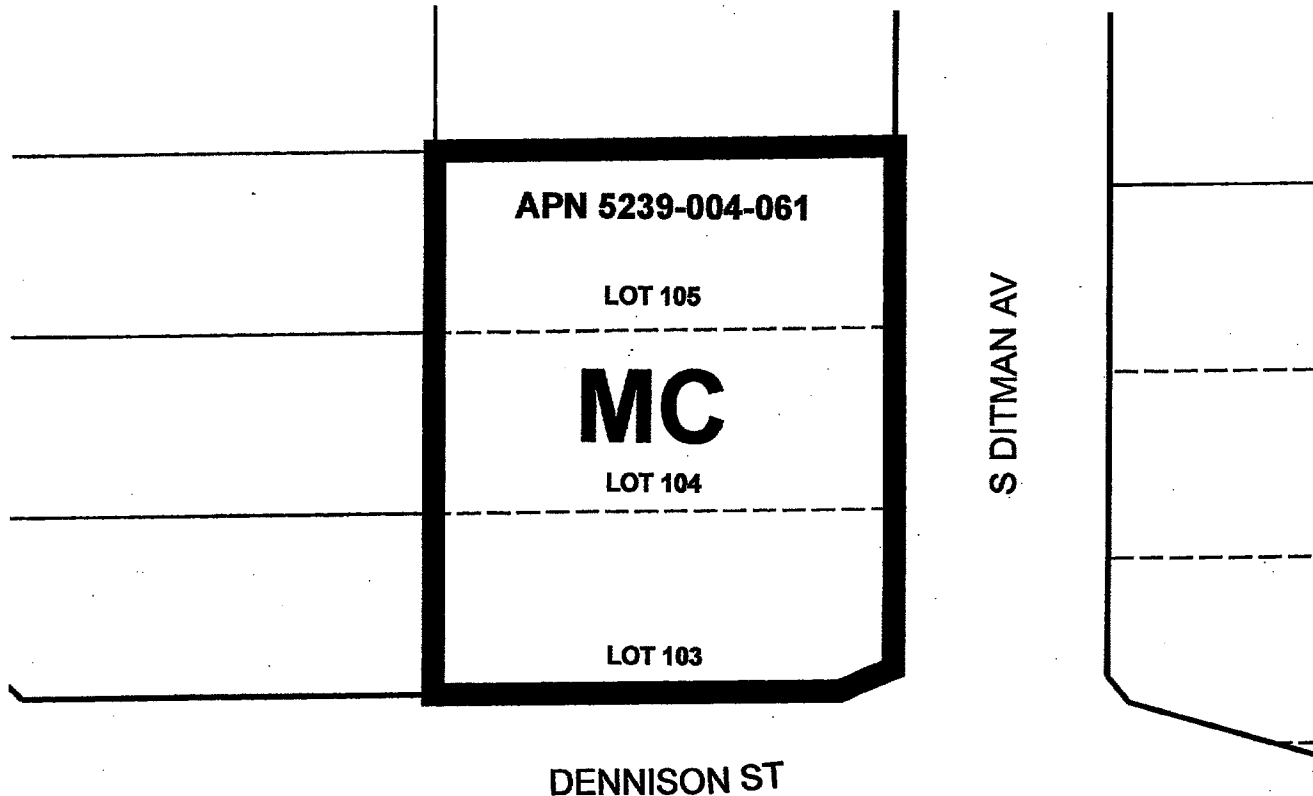
SACHI A. HAMAI, Executive Officer-  
Clerk of the Board of Supervisors of  
the County of Los Angeles

By [Signature]  
Deputy



# **EXHIBIT "A"**

AMENDMENT TO COMMUNITY PLAN  
EAST LOS ANGELES COMMUNITY  
**PLAN AMENDMENT: 2008-00011**  
ON: \_\_\_\_\_  
**CATEGORY MD TO CATEGORY MC**  
(PROPOSED: MAJOR COMMERCIAL)



**LEGAL DESCRIPTION:** ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 103, 104, AND 105 OF THE VERONA TRACT, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 14, PAGE 80 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.







EXCEPT THAT PORTION OF SAID LOT 103, DESCRIBED AS FOLLOWS:


BEGINNING AT THE SE. CORNER OF SAID LOT; N'LY ALONG THE E. LINE OF SAID LOT, A DISTANCE OF 6.00'; S'LY IN A DIRECT LINE TO A POINT IN THE SOUTH LINE OF SAID LOT, DISTANT 12.00' W'LY FROM SAID SE. CORNER; E'LY ALONG SAID LINE TO THE POINT OF BEGINNING.

**DIGITAL DESCRIPTION:** \ZCOZD\_EAST\_SIDE\_UNIT\_1\

THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
WAYNE REW, CHAIR  
RICHARD J. BRUCKNER, PLANNING DIRECTOR

**LEGEND:**

-  PARCELS
-  STREET / RIGHT OF WAY
-  LOT LINE
-  CUT/DEED LINE
-  EASEMENT LINE
-  PLAN AMENDMENT AREA

  
0 25 50  
FEET  
COUNTY ZONING MAP  
120H229